

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR-1-02-18

ANTONIO J. HOWARD,

Defendant.


ORDER

This matter is before the Court upon defendant's Motion to Reduce Sentence, Pursuant to 18 U.S.C. Section 3582(c)(2), in a Disputed Case (doc. no. 43). Defendant, Antonio Howard, moves the Court for an Order reducing his sentence on Count Two of the Indictment from 46 months to 37 months based on the retroactive application of the November 1, 2007 crack amendment. The parties are in agreement that Mr. Howard is eligible for the retroactive application of Guideline Amendment 706, however, the Government believes a reduction is inappropriate because of Mr. Howard's conviction of a Section 924 offense.

Pursuant to Section III. B of General Order No. 08-03, IN RE: PROCEDURES FOR THE IMPLEMENTATION OF THE RETROACTIVE AMENDMENT TO THE SENTENCING GUIDELINES, REDUCING THE 100-1 DISPARITY BETWEEN COCAINE BASE (CRACK COCAINE) AND POWDER COCAINE, if the parties do not agree regarding the extent of a reduction, the disagreement shall be referred to the Probation Office.

Accordingly, this matter is **REFERRED** to the United States Probation Office. The parties shall comply with the procedures mandated by Section III. B of General Order 08-03.

IT IS SO ORDERED.



Herman J. Weber, Senior Judge
United States District Court